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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/632,107 | 08/01/2003 | Alexander T. Schwarm | 7720 FPS/MMCS/APC | 3475 |

7590

09/15/2004

Applied Materials, Inc.
Patent Counsel, MS/2061
Legal Affairs Dept.
P.O. Box 450A
Santa Clara, CA 95052

EXAMINER

BAHTA, KIDEST

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 09/15/2004

COMPUTER ENTERED

OFF 12-15-04
Decl 3-15-05

Please find below and/or attached an Office communication concerning this application or proceeding.

REC'D SEP 20 2004

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/632,107 | | SCHWARM ET AL. | |
| | Examiner | | Art Unit | |
| | Kidest Bahta | | 2125 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12, 16-21, 27-36, 42, 46-51, 57 and 61-66 is/are rejected.
- 7) ☐ Claim(s) 7-11, 13-15, 22-26, 37-41, 43-45, 52-56, 58-60, 67 and 68 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>16/06/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

1. The information disclosure statement filed August 1, 2003, pages 12-13, has not been considered because the applications are not available. Please provide the copy of the document (U.S. applications).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 12, 16-21, 27-36, 42, 46-51, 57 and 61-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (U.S. Patent 6,774,998).

Regarding claims 1, 16, 31, 46, 61 and 65, Wright discloses a) a receiving a plurality of data points relating to an output of the tool including a current data point and at least one previous data point ((column 12, lines 40-43), b) determining whether the current data point is outlier based on: b-1) comparing the current data point to statistical representation of the at least one previous data point (column 9, lines 15-26, 57-62; column 8, lines 50-55); b-2) whether the at least one previous data point is outlier (column 11, lines 27-35); c) disregarding the current data point in calculating a feedback

| | | | |
|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 10/632,107 | Applicant(s)/Patent Under Reexamination SCHWARM ET AL. | |
| | Examiner Kidest Bahta | Art Unit 2125 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------------------|----------------|
| | A | US-6,774,998 | 08-2004 | Wright et al. | 356/401 |
| | B | US-6,751,518 | 06-2004 | Sonderman et al. | 700/121 |
| | C | US-6,678,570 | 01-2004 | Pasadyen et al. | 700/109 |
| | D | US-6,774,998 | 08-2004 | Wright et al. | 356/401 |
| | E | US-6,735,492 | 05-2004 | Conrad et al. | 700/121 |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
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| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.